

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LYDIAN WEALTH MANAGEMENT  
COMPANY, LLC and WINDERMERE  
INVESTMENT ASSOCIATES, LLC,

No. CV 06-1796-PK

Plaintiffs,

OPINION AND ORDER

v.

NANCY L. JACOB,

Defendant.

**MOSMAN, J.**,

On October 11, 2007, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (# 113) in the above-captioned case recommending that Defendant's motion for Partial Summary Judgment (#16) be GRANTED. Judge Papak also issued two Opinions & Orders (#112 & #123) regarding Plaintiff's Motion to Compel (#108). Plaintiffs filed objections to the F&R and to the Opinions & Orders, and Defendant filed a response to the objections.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Papak's recommendation, and I ADOPT the F&R (#113) as my own opinion. With regard to Plaintiff's Motion to Compel (#108), I agree with the reasoning of Judge Papak's Opinion & Order (#123), and I adopt its reasoning.<sup>1</sup> Defendant's Motion for Partial Summary Judgment (#16) is GRANTED. Plaintiff's Motion to Compel (#108) is DENIED.

IT IS SO ORDERED.

DATED this 25th day of January, 2008.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court

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<sup>1</sup> I do not adopt Judge Papak's reasoning in so far as it conflicts with Federal Rule of Civil Procedure 72(a).